
60 East 42nd Street • Suite 4700 • New York, New York 10165
T: 212.792.0048 • E: Jason@levinepstein.com

October 8, 2021

Via Electronic Filing

The Honorable Lois Bloom, U.S.M.J.
U.S. District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Singh v. Lintech Electric, Inc. et al*
Case No.: 1:18-cv-05780-FB-LB

Dear Honorable Magistrate Judge Bloom:

This law firm represents Defendants Lintech Electric, Inc. (the “Company”), and Linden J. Tudor (“Mr. Tudor”, and together with the Company, the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Practice Rules 1(A) and the directives contained in Your Honor’s September 23, 2021 Order [Dckt. No. 116], this letter respectfully serves to provide the Court with a copy of the undersigned law firm’s contemporaneous billing records encompassing the undersigned counsel’s reasonable attorneys’ fees and costs associated with efforts to obtain Plaintiff’s compliance with Defendants’ discovery demands, including: (i) the preparation and service of deficiency letters; (ii) attending discovery related conferences; and (iii) the preparation and filing of Defendants’ motion for sanctions [Dckt. Nos. 97-99, 105] (the “Motion for Sanctions”).¹

A true and correct copy of the engagement agreement, by and between the Defendants and the undersigned law firm,” is attached hereto as **Exhibit “A”**. It should be respectfully noted that Joshua D. Levin-Epstein, Esq.’s billing rate increased from \$325 to \$425 after the first quarter in 2019, and Jason Mizrahi’s, Esq., billing rate increased from \$175 to \$225 after the first quarter in 2019.

A true and correct copy of said redacted contemporaneous time and billing records, documenting each attorneys’ hourly rate, hours expended, and tasks worked on, is annexed hereto as **Exhibit “B”**. The redactions serve to protect confidential and attorney-client privileged matter, and omit billing entries that are unrelated to the instant Motion for Sanctions.

A true and correct copy of the proof of disbursements, substantiating the undersigned law firm’s costs incurred in connection with the Motion for Sanctions, is annexed hereto as **Exhibit “C”**.

For the Court’s convenience, a summary of the amounts requested, cross-referencing the undersigned law firm’s contemporaneous time and billing records, is listed below.

¹ The instant fee application does not encompass anticipated fees and costs for Plaintiff’s continued deposition.

I. Summary of Amounts Requested:**A. Preparation and Service of Deficiency Letters**

Date	Invoice Description	Attorney	Rate	Quantity	Amount
03/28/2019	Email with opposing counsel regarding discovery dispute	JM	\$175.00	.25	\$43.75
08/27/2020	Phone call with co-counsel regarding case strategy and litigation status	JM	\$225.00	.50	\$112.50
09/21/2020	Draft discovery deficiency letter	JM	\$225.00	.75	\$168.75
09/21/2020	Draft subpoena deuces tecum to Talico	JM	\$225.00	.75	\$168.75
10/06/2020	Telephonic status call with client r.e. [Plaintiff's W2 from Talico]	JM	\$225.00	.25	\$56.25
10/07/2020	Discuss strategy with co-counsel regarding missing bank checks, newly discovered evidence regarding Talico, and upcoming depositions.	JM	\$225.00	.50	\$112.50
10/08/2020	Subpoena Chase Bank & IRS	JM	\$225.00	1.50	\$337.50
10/08/2020	Draft discovery deficiency letter	JM	\$225.00	.75	\$168.75
10/13/2020	Analysis of Discovery Documents Produced.	JLE	\$325.00	.50	\$162.50
10/28/2020	Prepare subpoena for Uber Technologies	JM	\$225.00	.50	\$112.50
Total:					\$1,443.75

B. Attending Discovery Related conferences

Date	Invoice Description	Attorney	Rate	Quantity	Amount
03/29/2019	Appear for telephonic conference ²	JM	\$175.00	.75	\$131.25
06/27/2019	Attend discovery hearing ³	JM	\$225.00	1.25	\$281.25
11/06/2019	Appear in Court for Status Conference ⁴	JM	\$225.00	1.0	\$225.00
01/15/2020	Telephonic conference with Judge Gold and Opposing counsel ⁵	JM	\$225.00	1.0	\$225.00
02/06/2020	Prepare and appear for telephonic conference ⁶	JM	\$225.00	.25	\$56.25
03/02/2020	Prepare letter regarding revised case management plan ⁷	JM	\$225.00	.50	\$112.50
04/13/2020	Prepare for Telephonic Conference (.2); Attend telephonic conference (.3). ⁸	JM	\$225.00	.50	\$112.50
06/29/2020	Attend telephonic conference ⁹	JM	\$225.00	.75	\$168.75

² See Dckt. No. 17.³ See Dckt. No. 23.⁴ See Dckt. No. 30.⁵ See Dckt. No. 40.⁶ See Dckt. No. 50.⁷ See March 2, 2021 Order.⁸ See Dckt. No. 63.⁹ See Dckt. No. 83.

08/26/2020	Review document production. Prepare for telephonic conference with client	JM	\$225.00	2.0	\$450.00
09/22/2020	Telephonic status conference regarding discovery deficiencies ¹⁰	JM	\$225.00	1.00	\$225.00
10/29/2020	Attend telephonic conference on Defendants' Motion for Sanctions ¹¹	JM	\$175.00	.50	\$112.50
09/23/2021	Attend status conference. ¹²	JM	\$175.00	.75	\$168.75
Total:					\$2,268.75

C. Filing of the Motion for Sanction

Date	Invoice Description	Attorney	Rate	Quantity	Amount
10/16/2020	Draft letter motion for sanctions against Plaintiff & Plaintiff's counsel.	JM	\$225.00	4.75	\$1,068.75
12/01/2020	Research parallel Jonathan Silver Proceeding - Kuldeep Singh v. Talico et al (19-cv-06927)	JM	\$225.00	.25	\$56.25
12/17/2020	Draft memorandum of law in support of motion for sanctions. Attn. to discovery requests. Attn. to interrogatories nos. 12, 15, 18, 24 and 25	JM	\$225.00	4.00	\$900.00
12/19/2020	Continue drafting memorandum of law in support of motion for sanctions. Attn. to preliminary statement and procedural history.	JM	\$225.00	6.00	\$1,350
12/22/2020	Draft memorandum of law in support of motion for sanctions. Attn. to procedural history.	JM	\$225.00	3.75	\$843.75
12/23/2020	Revise memorandum of law in support of motion for sanctions. Attn. to legal standard, attn. to skeletal outline for legal argument.	JM	\$225.00	5.00	\$1,125.00
12/24/2020	Continue drafting memorandum of law in support of motion for sanctions. Attn. to application of procedural history and factual background to legal analysis. Attn.to skeletal outline of legal analysis.	JM	\$225.00	3.75	843.75

¹⁰ See Dckt. No. 88

¹¹ See Dckt. No. 92.

¹² See Dckt. No. 116.

12/28/2020	Draft memorandum of law in support of motion for sanctions. Attn. to application of procedural history and factual background to legal analysis. Attn. to Fed.R.Civ.P. 26(g)(3), 37(c) analysis	JM	\$225.00	5.75	\$1,293.75
12/29/2020	Continue drafting memo of law in support of motion for sanctions. Attn. to preliminary statement, procedural background and factual background. Attn. to legal analysis of Fed.R.Civ.P. 37(b).	JM	\$225.00	4.00	\$900.00
12/30/2020	Continue drafting memo of law in support of motion for sanctions. Attn. to legal analysis of 28 USC 1927 sanctions	JM	\$225.00	4.00	\$900
12/31/2020	Continue drafting memorandum of law in support of motion for sanctions. Attn. to preliminary statement, procedural background and factual background.	JM	\$225.00	4.00	\$900
01/05/2021	Continue drafting memorandum of law in support of motion for sanctions. Revise case citations to find more recent cases.	JM	\$225.00	3.00	\$675.00
01/06/2021	Continue drafting memorandum of law in support of motion for sanctions. Attn. to preliminary statement, and factual background.	JM	\$225.00	4.00	\$900.00
01/07/2021	Continue drafting memorandum of law in support of motion for sanctions. Attn. to legal analysis. Attn. to declaration in support, with exhibits	JM	\$225.00	10.00	\$2,250
01/08/2021	Finalize memorandum of law in support of motion for sanctions.	JM	\$225.00	7.00	\$1,575.00

	Attn. to declaration. Attn. to preliminary statement. Attn. to legal analysis.				
03/24/2021	Draft reply memorandum of law in support of motion for sanctions. Attn. to Waiver argument. Attn. to Plaintiff's opposition.	JM	\$225.00	3.00	\$675.00
04/25/2021	Review Reply MOL.	JLE	\$425.00	.50	\$212.50
03/25/2021	Draft reply memorandum of law in support of motion for sanctions. Attn. to preliminary statement. Attn. to legal analysis.	JM	\$225.00	2.00	\$450.00
03/30/2021	Draft reply in support of motion for sanctions. Attn. to Fed.R.Civ.P. 26(g)(3) and 37(c) analysis.	JM	\$225.00	7.00	\$1,575.00
07/20/2021	Review 2021-0720 Report & Recommendation on Motion for Sanctions	JM	\$225.00	.25	\$56.25
07/29/2021	Draft response to motion to lift stay. Attn. to Pl.'s failure to Comply with Individual Rules and This Court's Local Civil Rules	JM	\$225.00	2.00	\$450.00
10/07/2021	Draft letter motion for attorneys' fees pursuant to Court's September 23, 2021 Order [Dckt. No. 116]	JM	\$225.00	8.00	\$1,800.00
Total:					\$20,800.00

D. Costs / Disbursements

Date	Invoice Description	Attorney	Amount
10/29/2020	2020-1029 Transcript [Inv. 2020349] [\$15.60] ¹³	JM	\$15.60
09/21/2020	2020-1008 Priority Express Mailing [JMP] [RCPT] [\$26.35] ¹⁴	JM	\$26.35
09/21/2020	2020-1008 Priority Express Mailing [IRS] [RCPT] [\$26.35] ¹⁵	JM	\$26.35
03/31/2020	2020-0331 Transcript [Inv. 6609] [\$20.40] ¹⁶	JM	\$20.40
Total:			\$88.70

¹³ Transcript of proceedings held on 10/29/2020. Telephonic discovery conference. [See Dckt .No. 92].

¹⁴ FedEx subpoena to JPMorgan Chase Bank for Plaintiff's payroll / employment records.

¹⁵ FedEx subpoena to IRS for Plaintiff's payroll / employment records.

¹⁶ Transcript of proceedings held on 4/13/2020. Telephonic discovery conference. [See Dckt .No. 63].

E. Attorney Biography and Qualifications

A brief biography of each attorney who performed billed work in this matter is as follows:

Attorney Joshua D. Levin-Epstein (“Mr. Levin-Epstein”) is the founder and managing member of Levin-Epstein & Associates, P.C., and has been in practice since 2006. Mr. Levin-Epstein’s billed hourly rate for this matter is \$325 and \$425 per hour.

Prior to founding the firm, Mr. Levin-Epstein was part of the Business Solutions, Governance, Restructuring & Bankruptcy practices at international and national law firms where he represented constituents in complex litigation and transactional matters. Mr. Levin-Epstein also served as Law Clerk to the Honorable Alan H.W. Shiff in the United States Bankruptcy Court for the District of Connecticut (Bridgeport Division). Mr. Levin-Epstein received a B.S. in Foreign Service from the Edmund A. Walsh School of Foreign Service at Georgetown University. At Georgetown University, Mr. Levin-Epstein received several merit-based scholarship awards. Mr. Levin-Epstein received his J.D. from The University of Michigan Law School. He previously chaired the Labor and Employment Subcommittee for the New York City Bar Association’s Hospitality Law Committee. Mr. Levin-Epstein authored a White Paper on the history of the development of local Community Boards in New York City.

Attorney Eunon Jason Mizrahi, Esq. (“Mr. Mizrahi”) is an associate at Levin-Epstein & Associates, P.C., and is billed at the rate of \$175 and \$225 per hour. Mr. Mizrahi earned his B.A. from the University of Maryland, and his J.D. from Brooklyn Law School in 2016. Following law school, he practiced as an associate at a boutique law firm concentrating in labor and employment law. He was previously In-House Counsel and Human Resources Manager for a wholesale baking company headquartered in the Bronx, with global operations in China, South Korea and the United States.

Mr. Mizrahi’s core focus is on the litigation of complex commercial disputes, FLSA litigation, Title III litigation, employment matters, and breach of contract actions. He regularly represents businesses and individuals before state and federal courts and arbitration tribunals, where he has secured precedent-setting decisions. Mr. Mizrahi is admitted to practice in New York and in the U.S. District Courts for the Southern and Eastern Districts of New York, and in the U.S. Court of Appeals for the Second Circuit.

Levin-Epstein & Associates, P.C. has obtained favorable decisions in wage-and-hour cases that have set precedent in this area of law. *See Singh v. Lintech Elec., Inc.*, 2021 WL 1062533, at *3 (E.D.N.Y. 2021) (securing dismissal of fraudulent conveyance actions, and cancellation of *lis pendens*, filed in FLSA action); *Suarez et al v. Brasserie Felix, Inc. et al*, Case No. 19-cv-07210, Dckt. No. 59 (hired by Plaintiffs’ counsel to facilitate resolution in bankruptcy proceedings and secured \$800,000 settlement on behalf of twelve (12) FLSA plaintiffs); *El Aalaoui v. Lucky Star Gourmet Deli Inc.*, 2021 WL 22787, at *1 (S.D.N.Y. 2021) (successfully vacating default judgment entered against FLSA defendants in the amount of \$231,660); *Rivera v. Crabby Shack, LLC*, 2019 WL 8631861, at *5 (E.D.N.Y. 2019) (successfully arguing motion to enforce and approve settlement agreement on behalf of defendants); *Pugh v. Meric*, 2019 WL 2568581, at *2 (S.D.N.Y. 2019) (post-bench trial order issued by the Hon. Judge Denise Cote, holding that the

“wage notice penalty” in NYLL § 198(1)(1-b), by its very terms, does not mandate the imposition of damages); *Pugh v. Meric*, 2019 WL 3936748, at *5 (S.D.N.Y. 2019) (post-bench trial order reducing plaintiff’s attorneys’ fees award of \$8,000 to \$800); *Reyes v. The Picnic Basket, Inc.*, Case No. 18-cv-140, Dckt. No. 39, at *3-4 (S.D.N.Y. 2018) (successfully opposing Plaintiff’s motion for conditional certification).

Other Courts have approved Mr. Levin-Epstein & Mr. Mizrahi’s proffered billing rates. *See Kim v. Superior Cafe Corp. et al*, Case No.: 21-cv-03620 (GBD) (RWL). Dckt. No. 49 at p. 22 (S.D.N.Y. 2021) (approving rate of \$450 for Mr. Levin-Epstein, and \$325 for Mr. Mizrahi); *Stein v. Greenfeld et al*, Case No.: 20-cv-01929 (ARR) (CLP), Dckt. No. 25 at *6-7 (E.D.N.Y. 2020) (same); *Antolini v. McCloskey et al*, Case No.: 19-cv-09038 (GBD) (SDA) at Dckt. No. 99 (approving rate of \$225 for Mr. Mizrahi); *Laureano-Capellan v. Chirichella et al*, Case No.: 20-cv-00360 (RER), July 15, 2020 Dckt. Entry (E.D.N.Y. 2020) (approving rate of \$450 for Mr. Levin-Epstein, and \$225 for Mr. Mizrahi); *Feliciano v. Yoon et al*, Case No.: 18-cv-06361 (DLI) (JO), March 27, 2020 Dckt. Entry (E.D.N.Y. 2020) (same). Such fees are also within the range of reasonable rates for similarly experienced attorneys. *See Guerra v. Trece Corp.*, 2021 WL 1893593, at *2 (S.D.N.Y. 2021) (approving hourly rate of \$450 for partner); *Meide Zhang v. Liang Zhang*, 2020 WL 9256464, at *6 (S.D.N.Y. 2020), *report and recommendation adopted as modified sub nom. Zhang v. Zhang*, 2021 WL 1154084 (S.D.N.Y. 2021) (approving \$450 hourly rate as “reasonable”); *Salazar v. 203 Lena Inc.*, 2020 WL 5627118, at *11 (S.D.N.Y. 2020), *report and recommendation adopted*, 2020 WL 6257158 (S.D.N.Y. 2020) (recommending hourly rate of \$500).

In light of the foregoing, Defendants respectfully requests an award of attorneys’ fees in the amount of \$24,512.50, and costs in the amount of \$88.70. *See* Exs. B, C.

We thank the Court for its attention to this matter, and are available at the Court’s convenience to answer any questions related to the foregoing.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
Jason Mizrahi
60 East 42nd Street, Suite 4700
New York, NY 10165
Tel. No.: (212) 792-0048
Email: Jason@levinepstein.com
Attorneys for Defendants

VIA ECF: All Counsel